IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 88 OF 2007

Jagdish Sabaji Walawalkar ... Petitioner.

V/s.

The Saraswat Co-op. Bank Ltd. & Ors. ... Respondents.

Mr. Ashutosh Gole i/by Mr. N. R. Bubna for the petitioner.

Mr. Sandip Parikh along with Mr. V. R. Warerkar i/by M/s. Govind Desai & Asso. for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 5th April, 2007

P.C.

The petitioner has filed the present petition under Section 9 of Arbitration and Conciliation Act, 1996 (for short, "Arbitration Act") and seeking a restrainment order against respondent No. 1, its agents, servants, subordinates, i.e. a co-operative bank and its directors from in any manner obstructing/preventing the petitioner from continuing and discharging duties as a director of respondent No.1 and further provisionally directed to permit the

petitioner to continue and discharge duties as a director of respondent No.1.

2. As averred the petitioner has invoked the arbitration clause by notice dated 3rd October, 2006 there is no response from the respondents. Admittedly, the petitioner has not taken any further steps to constitute Arbitral Tribunal, if any, as contemplated under the Arbitration Act.

3. The withdrawal of his resignation itself is the subject matter of the dispute between the parties. Unless it is decided or considered, at this stage, based on the averments, I am not inclined to grant the relief under Section 9 of the Arbitration Act, as prayed. Keeping all points open, the present petition is dismissed.

[ANOOP V. MOHTA, J.]